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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF TORTURE AND DETENTION

Human rights and forensic science

Report of the Office of the United Nations High Commissioner for Human Rights submitted in accordance with Commission on Human Rights resolution 2000/32

1. In its resolution 2000/32, the Commission on Human Rights requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to consult with Governments, relevant United Nations bodies and professional organizations of forensic and related experts with a view to updating the list of forensic and related experts with their biographical data, including professional qualifications, current employment, contact address, gender, indications of availability, and the kind of assistance they could provide.

2. The Commission on Human Rights recommended that OHCHR encourage the dissemination and use of manuals, and the setting up of courses for training in forensic activities relating to victims of human rights violations, particularly in countries without sufficient expertise in forensic science and related fields. It also invited OHCHR and the Crime Prevention and Criminal Justice Division of the Secretariat to consider revising the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

3. The Commission requested OHCHR to report to it at its fifty-eighth session on progress made in this matter (forensic and related expertise). The present report is submitted in response to this request.

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4. On 8 August 2000, a note verbale was sent to all Governments and a letter to relevant intergovernmental and non-governmental organizations (NGOs). As of 14 December 2001, replies had been received from 15 Governments, 2 NGOs, Physicians for Human Rights and the Argentinean Forensic Anthropology Team, and from the International Criminal Tribunal for the Former Yugoslavia. All the replies contained lists of forensic experts and some of them also contained other elements, as requested by the Commission on Human Rights.

5. In order to facilitate the identification and selection processes for recruitment purposes, OHCHR sought the technical advice of an international expert in forensic science to establish a practical electronic database. For the purposes of inclusion in the database, experts were classified according to the following categories of activity and expertise: (a) forensic physician/pathologist/expert in the field of forensic medicine; (b) forensic pathology related to deaths caused by explosions, projectiles or firearms; (c) anatomical dissection and morphology of decomposed bodies; mass graves; (d) identification of corpses in individual cases; coordination in identification centres with large numbers of corpses; (e) clinical forensic information relating to sexual crimes, personal injury, state of health, domestic violence, etc; (f) assessment of physical injuries and related evidence; (g) investigation of the presence of toxins in bodily and other fluids; (h) analysis of cause of death from projectiles from firearms and other weapons; imprints and marks on the skin and at the crime scene; (i) investigation of traces of biological evidence found at the crime scene or on the body of the victim or suspects in crimes such as homicide or sexual assault; (j) forensic information systems for cross-linking cases; (k) conducting forensic exhumation and autopsy examinations; exhumation and identification of bodies; investigation of mass graves; (l) forensic medical training.

6. A consolidated database containing a total number of 487 experts, classified according to these categories, is currently available at OHCHR.

7. The Board of Trustees of the United Nations Voluntary Fund for Victims of Torture has recommended that organizations financed by the Fund use the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Punishment (the Istanbul Protocol).[1] In May 2001, OHCHR has distributed the Manual among the 200 organizations financed by the Fund, and has strongly encouraged these organizations to use it in their daily activities and especially in the training and seminars they may carry out.

8. OHCHR is providing technical assistance to the Government of Mexico through a project which includes among its objectives the elaboration of a model procedure based on the Istanbul Protocol for the forensic investigation of torture. In July 2001, OHCHR, in cooperation with the Argentinean Forensic Anthropology Team, held a training seminar on forensic examination of torture in Mexico. Participants included 40 medical professionals and 15 legal practitioners. The course was considered by a leading expert in this field as a breakthrough, not only for Mexico but also for the rest of the Latin American region. Follow-up training on the forensic examination of torture is included as part of the second phase of the project.

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[1] United Nations publication, Sales No. E.01.XIV.1.

9. Regarding the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, OHCHR has made available existing relevant legal material to those human rights bodies requesting them in the fulfilment of their mandates. However, due to insufficient resources, the Centre for International Crime Prevention at the United Nations Office for Drug Control and Crime Prevention in Vienna and OHCHR have not been able to revise the Manual, which was published in 1991. The Centre and OHCHR have, however, stressed the importance of technical cooperation activities to reinforce the capabilities of Member States in their forensic activities, which are critical for ensuring the capacity of the criminal justice system to tackle all kind of crimes. The Centre for International Crime Prevention highligats the relevance of forensic medical science for combating trafficking in persons, in particular trafficking for the removal of organs. Forensic techniques are valuable for building judicial cases on the basis of abuse of force and torture, as well as inhuman treatment often used against both smuggled migrants and trafficked persons. Consequently, the new version of the Manual should include adequate and coherent guidelines for forensic techniques in view of this new phenomenon.

10. OHCHR is in the process of adjusting its training programme to meet the evolving needs of the various sectors of human rights. The need for training in the forensic area is being considered in this context.

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